

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN
GREEN BAY DIVISION**

APPLETON PAPERS INC. and
NCR CORPORATION,

Plaintiffs,

Case No. 08-CV-16-WCG

v.

GEORGE A. WHITING PAPER
COMPANY, *et al.*,

Defendants.

**STIPULATION REGARDING REBUTTAL TESTIMONY OF
JOHN SCHULTZ**

WHEREAS, Plaintiffs' NCR Corporation ("NCR") and Appleton Papers Inc. ("API") (collectively, "Plaintiffs") listed John Schultz, an expert initially retained by NCR in this matter, on their live witness list in the Final Pretrial Report filed in this matter (Dkt. 1320, page 26);

WHEREAS, during the trial, Plaintiffs' advised Defendants that they no longer intended to call Mr. Schultz as a witness;

WHEREAS, Menasha Corporation ("Menasha"), on behalf of itself and the other defendants (collectively, "Defendants"), then notified Plaintiffs of their desire and intent to call Mr. Schultz as a witness;

WHEREAS, Defendants proposed, and Plaintiffs agreed, to present Mr. Schultz's testimony through video tape deposition designations from Mr. Schultz's January 13, 2012 deposition;

The undersigned parties stipulate and agree to the following:

- 1) Plaintiffs agree that Mr. Schultz was retained by NCR to provide expert opinions for NCR, not Defendants;
- 2) Defendants agree that they are the parties sponsoring Mr. Schultz's testimony in this matter;
- 3) Defendants agree that the testimony is being submitted to the Court as part of their rebuttal case; and,
- 4) Plaintiffs agree to waive any and all objections regarding the admissibility of Mr. Schultz's testimony, including, without limitation, objections that the testimony is beyond the scope of Plaintiffs' responsive case, or is otherwise improper rebuttal.

DATED: February 28, 2012

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